

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

WESCO INSURANCE COMPANY,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	No. 2:12-cv-14614-RHC-MJH
	)	
PATRICK J. BRUETSCH,	)	
BRUETSCH & ASSOCIATES, and	)	
PATRICK J. BRUETSCH & ASSOCIATES,	)	
	)	
Defendants/Counter-Plaintiffs,	)	
	)	
and	)	
	)	
LAWRENCE D. KORN,	)	
	)	
Defendant.	)	

**STIPULATION OF WITHDRAWAL OF PENDING MOTIONS FOR SUMMARY  
JUDGMENT WITHOUT PREJUDICE**

NOW COME the Parties to the above-captioned action, Plaintiff/Counter-Defendant WESCO INSURANCE COMPANY (“Wesco”), and Defendants/Counter-Plaintiffs PATRICK J. BRUETSCH, BRUETSCH & ASSOCIATES and PATRICK J. BRUETSCH & ASSOCIATES (collectively the “Bruetsch Parties”), by and through their respective counsel, and hereby STIPULATE and AGREE as follows:

- (1) That the Bruetsch Parties’ pending *Motion for Partial Summary Judgment* and the Exhibit filed therewith (Docket Entry No. 17) are hereby WITHDRAWN;
- (2) That Wesco’s *Brief in Response and Opposition* to the Bruetsch Parties’ *Cross-Motion for Summary Judgment* (Docket Entry No. 20) is hereby WITHDRAWN;

(3) That Wesco's *Cross Motion for Summary Judgment* and Wesco's Brief in Support thereof and the Exhibits filed therewith (Docket Entry No. 21) are hereby WITHDRAWN:

(4) That aforesaid withdrawals are without prejudice and made with a request to the Court for leave to re-file in accordance with the Federal Rules of Civil Procedure, the Local Rules of this Court, and this Court's Scheduling Order entered in this matter on April 8, 2013.

Respectfully submitted,

WESCO INSURANCE COMPANY

By: /s/ Rostyslaw J. Smyk  
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PATRICK J. BRUETSCH, BRUETSCH &  
ASSOCIATES, and PATRICK J. BRUETSCH &  
ASSOCIATES

By: /s/ Patrick J. Bruetsch  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2013, a copy of the foregoing *Stipulation of Withdrawal of Pending Motions for Summary Judgment Without Prejudice* along with a Proposed Order was submitted to the Court in MS Word format via the Utilities function of the Court's ECF Filing System. I hereby further certify that on April 19, 2013, I served all counsel of record with a copy of the foregoing Stipulation and the Proposed Order in MS Word format via e-mail.

/s/ Rostyslaw J. Smyk  
Rostyslaw J. Smyk (IL Bar No. 6255495)  
Co-Counsel for Plaintiff

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Plaintiff/Counter-Defendant,	)	
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PATRICK J. BRUETSCH,	)	
BRUETSCH & ASSOCIATES, and	)	
PATRICK J. BRUETSCH & ASSOCIATES,	)	
	)	
Defendants/Counter-Plaintiffs,	)	
	)	
and	)	
	)	
LAWRENCE D. KORN,	)	
	)	
Defendant.	)	

**STIPULATED ORDER REGARDING WITHDRAWAL OF PENDING MOTIONS FOR  
SUMMARY JUDGMENT WITHOUT PREJUDICE**

This Court having considered the Plaintiff/Counter-Defendant WESCO INSURANCE COMPANY’S and Defendants/Counter-Plaintiffs’ PATRICK J. BRUETSCH, BRUETSCH & ASSOCIATES and PATRICK J. BRUETSCH & ASSOCIATES (collectively the “Bruetsch Parties”) *Stipulation of Withdrawal of Pending Motions for Summary Judgment without Prejudice*, and for good cause shown the Court ORDERS as follows:

- (1) The Bruetsch Parties’ pending *Motion for Partial Summary Judgment* and the Exhibit filed therewith (Docket Entry No. 17) are hereby DEEMED WITHDRAWN without prejudice;
- (2) Wesco’s *Brief in Response and Opposition* to the Bruetsch Parties’ *Cross-Motion for Summary Judgment* (Docket Entry No. 20) is hereby DEEMED WITHDRAWN without prejudice;

(3) Wesco's *Cross Motion for Summary Judgment* and Wesco's Brief in Support thereof and the Exhibits filed therewith (Docket Entry No. 21) are hereby DEEMED WITHDRAWN without prejudice:

(4) All Parties to this action are GRANTED LEAVE to re-file or file a Motion for Summary Judgment in accordance with the Federal Rules of Civil Procedure, the Local Rules of this Court, and this Court's Scheduling Order entered in this matter on April 8, 2013.

SO ORDERED this 24th day of April, 2013.

s/Robert H. Cleland  
Robert H. Cleland  
United States District Judge